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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**JASON SILVERSTEIN and JENNIFER
STAMATELOS**, individually and on behalf of others
similarly situated,

Plaintiff,

v.

ALLIANCEBERNSTEIN L.P.,

Defendant.

No. 09-CV-5904 (JPO)

**DECLARATION OF JUNO TURNER IN OPPOSITION TO DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT AND IN SUPPORT OF
PLAINTIFFS' CROSS-MOTION FOR SUMMARY JUDGMENT**

I, Juno Turner, declare under penalty of perjury as follows:

1. I am an Associate at Outten & Golden LLP, attorneys for Plaintiffs herein, and an attorney in good standing admitted to practice in the State of New York and before this Court.

2. I make this declaration in connection with Plaintiffs' Cross-Motion for Summary Judgment.

3. I am fully familiar with the facts and circumstances of this matter, and I make the representations herein based upon my personal knowledge or upon the documents that are of record in this matter.

4. Plaintiff Jason Silverstein initiated this lawsuit by filing a Complaint on June 26, 2009. ECF No. 1.

5. The parties agreed to stay all proceedings other than limited discovery in preparation for mediation.

6. The parties attended a mediation on June 18, 2010 but failed to reach agreement to settle the case.

7. On June 25, 2010, the Court lifted the partial stay of proceedings and discovery commenced in earnest.

8. On July 7, 2010, Plaintiffs filed an Amended Complaint (the “Complaint”), adding Jennifer Stamatelos as a named plaintiff and seeking liquidated damages under the New York Labor Law. ECF No. 23.

9. On August 24, 2011, Judge Marrero granted Plaintiffs’ motion for conditional certification of the FLSA collective action and authorized distribution of a revised notice to class members. The parties conferred and agreed on revised notice terms. On October 18, 2011, this Court approved the revised notice and authorized its distribution. Following distribution of the notice, eight individuals opted-in to the action.¹

10. During the discovery period, Plaintiffs deposed four individuals designated as Rule 30(b)(6) witnesses and two managers. Defendant deposed both Named Plaintiffs and all opt-in Plaintiffs. On January 27, 2012, the Court held a pre-motion conference

¹ Four individuals filed consents to join but subsequently withdrew them.

on the parties' anticipated cross-motions for summary judgment and set a briefing schedule.

Defendant filed its motion on May 11, 2012. ECF No. 65.

11. Attached hereto as **Exhibit 1** is a true and correct copy of relevant excerpts of the deposition transcript of Jason Silverstein, dated May 17, 2010 ("Silverstein Tr.").

12. Attached hereto as **Exhibit 2** is a true and correct copy of relevant excerpts of the deposition transcript of Thomas Apostolico, dated June 1, 2010 ("Apostolico Tr.").

13. Attached hereto as **Exhibit 3** is a true and correct copy of relevant excerpts of the deposition transcript of Jennifer Stamatelos, dated February 18, 2011 ("Stamatelos Tr.").

14. Attached hereto as **Exhibit 4** is a true and correct copy of relevant excerpts of the deposition transcript of Melanie May, dated March 14, 2011 ("May Tr.").

15. Attached hereto as **Exhibit 5** is a true and correct copy of relevant excerpts of the deposition transcript of Meghan McGinty, dated March 25, 2011 ("McGinty Tr.").

16. Attached hereto as **Exhibit 6** is a true and correct copy of relevant excerpts of the deposition transcript of Allison Yockel, dated April 13, 2011 ("Yockel Tr.").

17. Attached hereto as **Exhibit 7** is a true and correct copy of relevant excerpts of the deposition transcript of Susanna Leniart, dated May 26, 2011 ("Leniart Tr.").

18. Attached hereto as **Exhibit 8** is a true and correct copy of relevant excerpts of the deposition transcript of Marissa Minichetti, dated May 12, 2011 ("Minichetti Tr.").

19. Attached hereto as **Exhibit 9** is a true and correct copy of relevant excerpts of the deposition transcript of Cathy Spencer, dated May 13, 2011 ("Spencer Tr.").

20. Attached hereto as **Exhibit 10** is a true and correct copy of relevant excerpts of the deposition transcript of Meghan McGinty, dated June 30, 2011 ("McGinty II Tr.").

21. Attached hereto as **Exhibit 11** is a true and correct copy of relevant excerpts of the deposition transcript of Joshua Bishop, dated March 6, 2012 (“Bishop Tr.”).

22. Attached hereto as **Exhibit 12** is a true and correct copy of relevant excerpts of the deposition transcript of Joshua Joffe, dated March 22, 2012 (“Joffe Tr.”).

23. Attached hereto as **Exhibit 13** is a true and correct copy of relevant excerpts of the deposition transcript of Judy Yau, dated March 29, 2012 (“Yau Tr.”).

24. Attached hereto as **Exhibit 14** is a true and correct copy of relevant excerpts of the deposition transcript of Andrew Winkler, dated April 2, 2012 (“Winkler Tr.”).

25. Attached hereto as **Exhibit 15** is a true and correct copy of relevant excerpts of the deposition transcript of Justin Gottlieb, dated April 3, 2012 (“Gottlieb Tr.”).

26. Attached hereto as **Exhibit 16** is a true and correct copy of relevant excerpts of the deposition transcript of Glenn Friedman, dated April 10, 2012 (“Friedman Tr.”).

27. Attached hereto as **Exhibit 17** is a true and correct copy of relevant excerpts of the deposition transcript of Mirijana Ujkic, dated April 12, 2012 (“Ujkic Tr.”).

28. Attached hereto as **Exhibit 18** is a true and correct copy of “Typical Guideline Issues.”

29. Attached hereto as **Exhibit 19** is a true and correct copy of “APM Job Responsibility.”

30. Attached hereto as **Exhibit 20** is a true and correct copy of “Portfolio Management Group Overview.”

31. Attached hereto as **Exhibit 21** is a true and correct copy of “Account Closing Meeting Checklist.”

32. Attached hereto as **Exhibit 22** is a true and correct copy of “Cease Discretionary Management Checklist.”

33. Attached hereto as **Exhibit 23** is a true and correct copy of “Asset Mix Change Checklist.”

34. Attached hereto as **Exhibit 24** is a true and correct copy of “Guideline Review Procedures.”

35. Attached hereto as **Exhibit 25** is a true and correct copy of “SPSR: Smart PSR Behind the Scenes.”

36. Attached hereto as **Exhibit 26** is a true and correct copy of “APM Guide to Minimum Approval Levels.”

37. Attached hereto as **Exhibit 27** is a true and correct copy of “Review of Selected Positions to Determine Fair Labor Standards Act Status for Alliance Capital” (“Astron Report”).

38. Attached hereto as **Exhibit 28** is a true and correct copy of an email from Jason Silverstein to Gregory S. Keegan dated January 24, 2008.

39. Attached hereto as **Exhibit 29** is a true and correct copy of an email from Allison R Yockel to Jennifer Stamatelos dated April 23, 2008.

40. Attached hereto as **Exhibit 30** is a true and correct copy of an email from Jennifer Stamatelos to Allison R Yockel dated May 27, 2008.

41. Attached hereto as **Exhibit 31** is a true and correct copy of an email from Allison R Yockel to Mike Curcio dated June 25, 2008.

42. Attached hereto as **Exhibit 32** is a true and correct copy of an email from Allison R Yockel to Daniel Trovato, Dyrdra Martin, Jason Silverstein, Brian Dzlerzynski, and Daniel Kim (CC: Susanna Leniart, Brian Holland and Thomas E. Janes) dated July 10, 2008.

43. Attached hereto as **Exhibit 33** is a true and correct copy of an email from Tom Apostolico to Value – PMG White Plains dated October 7, 2008.

44. Attached hereto as **Exhibit 34** is a true and correct copy of an email from Jason Silverstein to Susanna Leniart dated October 15, 2008.

45. Attached hereto as **Exhibit 35** is a true and correct copy of an email from Allison R Yockel to Value - PMG US Pension dated October 21, 2008.

46. Attached hereto as **Exhibit 36** is a true and correct copy of an email from Tom Apostolico to Value - PMG US Acct Mgmt, APM Offshore Funds - PC dated October 23, 2008.

47. Attached hereto as **Exhibit 37** is a true and correct copy of an email from Jason Silverstein to Susanna Leniart dated December 26, 2008.

48. Attached hereto as **Exhibit 38** is a true and correct copy of an email from Susanna Leniart to Jason Silverstein dated January 7, 2009.

49. Attached hereto as **Exhibit 39** are true and correct copies of Jason Silverstein's performance evaluations.

50. Attached hereto as **Exhibit 40** are true and correct copies of Joshua Joffe's performance evaluations.

51. Attached hereto as **Exhibit 41** are true and correct copies of Mirijana Ujkic's evaluations.

52. Attached hereto as **Exhibit 42** are true and correct copies of Glenn Friedman's performance evaluations.

53. Attached hereto as **Exhibit 43** is a true and correct copy of the U.S. Dep't of Labor Administrator's Interpretation No. 2010-1, dated Mar. 24, 2010).

Dated: June 8, 2012

Respectfully submitted,

By:

/s/ Juno Turner

Juno Turner

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